

was declared by the Speaker of the House of Representatives, duly and constitutionally elected Senator from the State of Texas, in the Congress of the United States, for the unexpired term of Hon. J. P. Henderson.

The Senate then retired to their Chamber, and on motion of Mr. Parsons adjourned until 10 o'clock, A. M., to-morrow.

SATURDAY, January 21st, 1860

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Townes presented the petition of J. C. Howth for relief. Referred to the committee on the Court of Claims.

Mr. Walker presented the petition of Wm. D. Hittson for land. Referred to the committee on Private Land Claims.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill making an appropriation to defray the expenses of selling the University lands, reported the same to the Senate and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the petition of Andrew J. Ford, reported the same back to the Senate with the following bill, and recommended its passage.

A bill for the relief of A. J. Ford. Read 1st time.

Mr. Erath, chairman of the committee on Indian Affairs, to whom was referred a bill to make appropriations to pay for services of Capt. John William's company of Rangers, reported a substitute for the bill, and recommended its passage.

Mr. Grimes, chairman of the committee on Finance, to whom was referred the bill authorizing the county court of Falls county, to levy a special tax for the purpose of building a jail, reported the same to the Senate and recommended its passage.

A message was received from the House, that the House had passed the following bills :

A bill to authorize the corporation of the town of Corsicana to levy a tax on ten pin alleys, within the limits of said corporation.

A bill to authorize Adam Sullivan to construct a bridge across the Sabine river.

A bill to incorporate the McKenzie Male and Female College.

A bill legalizing the colony certificate of George Gochmann.

A bill to amend the first, fifth and seventh, thirteenth and

seventeenth sections of an act entitled an act to incorporate the Houston, Trinity and Tyler Railroad Company.

A bill granting a pension to John S. Stump.

A bill to prevent the sale of vinous, spirituous and other intoxicating liquors, within one mile of the town of Starrville in Smith county, with an amendment.

On motion of Mr. Lott, the bill was taken up and the amendment concurred in.

That the House refused to concur in the Senate's amendment to the bill, to pay certain persons for arresting and bringing to justice John T. Shanks, and procuring testimony against him.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill to define the homestead in a town or city.

And a bill to authorize the use of the United States bonds set apart to the University of Texas, to meet appropriations made for frontier protection.

Mr. Hart, from the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to donate five leagues of land by the State, to all Colleges and Seminaries of learning that have more than five thousand dollars invested in said institution of learning, have had the same under consideration, and a majority of the committee have instructed me to return the bill and recommend that it do not pass. It is likely that at least one hundred such institutions would be entitled to the benefits of this donation. This would set apart the large quantity of five hundred leagues, the amount would largely increase every year, this land would be located in large bodies in our frontier counties, and under our constitution it could not be sold until the instrument is changed, or for many years to come, this would be no present benefit to those for whom it was set apart, and would be a great embarrassment to the settlement of our unsettled territory. It would also act unequal for the reason that the old and wealthy counties and portions of the State, those that are most able to carry on their institutions, without State aid, would get much the greater portion of these donations, and the poor and sparsely settled portions would get but little if any, where at the same time, while they were receiving little or no benefit from the donation itself, they would be embarrassed by large portions of their territory being held up from settlement. These are some of the many reasons that have influenced the committee to come to the conclusion they have.

Mr. Shepard, chairman of the committee on State Affairs, to

whom was referred a bill to incorporate Lodge No. 33, Independent Order of Odd Fellows, located at Clarksville, Red River county Texas, reported the same back to the Senate and recommended its passage.

Mr. Quinan, chairman of the committee on Education, to whom was referred the bill to incorporate Waco Female College, reported the same back to the Senate and recommended its passage with an amendment :

1. Amend the caption as follows :

An act to consolidate into one institution the Waco Female Seminary and the Waco Female College, and incorporate the same.

2. Strike out section 11.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a bill to incorporate the Central Transit Company, reported the accompanying substitute and recommended its passage.

Mr. Quinan, chairman of the committee on Education, to whom was referred the bill to amend the act to incorporate the Paine Female Institute, reported the same to the Senate and recommended its passage, and that the object of the bill is to change the direction and patronage of said College from the Texas to the Rio Grande mission conference of the Methodist Church, as it is fully within the jurisdiction of the latter.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred the petition of Messrs. Glasscock & Milican, contractors for building the State Lunatic Asylum, have had the same under consideration, and instruct me to report.

The petitioners pray an appropriation of \$7606 00 to pay them for *extra work* to that amount, which they allege to have been done and performed by virtue of the authority of the commissioners of said building in the change of the plan, which by the original contract they reserved the right to change. Your committee find the facts from the statement of the commissioners themselves, to be these: That said changes incurring the *extra work* alleged to have been done, were without their authority. That they did not authorize the deviation in executing the work from the written contract entered into with the petitioners. That if said extra work has been done as alleged, it was purely a "fancy job" with the expectation that the State might probably pay a "bonus" for the same. The commissioners state the

work has been well executed, but that it was not authorized, as it has been done outside of the contract.

Your committee believe that under the circumstances and especially in view of section 7, art. 7, general provisions constitution, they can not grant relief sought. They therefore return the petition and recommend its rejection.

Mr. Gentry, from the committee on Internal Improvements, to whom was referred a bill to incorporate the Trinity Valley Railroad Comported the accompanying substitute and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following report.

The committee on Private Land Claims, to whom was referred the petition of Edwin R. Little, for an unconditional land certificate of six hundred and forty acres of land, have had the same under consideration, and have instructed me to report, that from the evidence before your committee, they find that Edwin B. Little emigrated to Texas in the year 1837. That he was a married man, the head of a family, that he obtained a conditional certificate for six hundred and forty acres of land from the board of land commissioners for Galveston county. That he resided for seven years consecutively in the Republic of Texas from the date of his emigration. That he is now a citizen of the State of Texas, and entitled to an unconditional certificate for said land. They have instructed me to report the accompanying bill, and recommend its passage.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill to change the name of Mary Walch to Mary Isabella Payne, and declare her the legal heir of Charles Payne and Mary Elizabeth Payne, and a majority of the committee are of the opinion that under general laws now in force, ample provisions are made for the accomplishment of the objects indicated by the bill, and that the proposed legislation is unnecessary. I am therefore directed to return the bill to the Senate and recommend that it do not pass.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to whom was referred the petition of the heirs of Mrs. Ellen M. Gibbs, deceased, have had the same under consideration, and have instructed me to report. The committee find from indubitable evidence that Mrs. Gibbs emigrated to Texas in December, 1838. That she was a widow with three children. That she resided with her family in

Texas until June, 1842, at which time she died. That her children remained, and are now citizens of Texas. That Mrs. Gibbs was entitled to a headright certificate for six hundred and forty acres of land. The committee instruct me to report the accompanying bill to the Senate and recommend its passage.

Mr. Erath, from the committee on Public Debt, made the following report :

The committee on Public Debt, have had under consideration a bill for the relief of S. W. Parker. The committee find that said Parker in the year 1836, sustained heavy losses by the Indians, and had several of his family taken prisoners by the savages, from that time to seven years thereafter, said Parker devoted his time to regaining said prisoners, and finally succeeded in redeeming his daughter, after having undergone many privations and great expense, having employed many Indian travelers in the Indian territory from Texas to Santa Fe, and having traveled himself to every point necessary to accomplish this object, during which time it is in evidence that said Parker procured the release of several other persons from savage bondage. There is evidence before the committee that he expended several thousand dollars in money. The committee also find that under the laws of the Republic of Texas, persons were entitled to three hundred dollars for each prisoner by them redeemed, and the applicant for relief in this instance has not received any such benefit. The committee having considered the claims of said Parker meritorious and entitled to remuneration, and being of a peculiar kind, have instructed me to sum up the whole by recommending that said Parker receive from the State in lieu of all his losses and claims, one league of land, and report the accompanying bill and recommend its passage.

A bill for the relief of Jas. W. Parker. Read 1st time.

Mr. Throckmorton, from the committee on Private Land Claims made the following report :

The Private Land committee have considered the petition of E. S. Terrell and James Ventioner, and finding the proof sufficient to establish the justness of the claim of James Ventioner Sr., and James Ventioner Jr., against the State for land, but not sufficient to establish the claim of Jacob Richard, have directed me to return to the Senate the accompanying bill, and to recommend its passage.

A bill to validate certain land certificates, and to authorize and require the commissioner of the General Land Office to issue patents on surveys heretofore or hereafter made by virtue of said certificates. Read 1st time.

Mr. Throckmorton, from the committee on the Judiciary, to whom was referred a bill to permit the withdrawal of papers from the General Land Office, in certain cases, reported the accompanying bill as a substitute for the same and recommended its passage.

Mr. Schleicher, from the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to whom was referred a bill for the relief of the heirs of Leonard Dobbin, have examined the same, and find that Leonard Dobbin, about the year 1846, located a Toby scrip on Brazos Island, that similar locations under scrip were formerly made on other islands, and were subsequently legalized by act of the Legislature, from considerations of equity, as this class of scrip was sold abroad to raise funds for the expenses of the government. The purchasers not knowing of any reservation of islands from location under the scrip sold. Your committee are of the opinion that the same considerations hold good in this case which caused the legislation of similar locations on all other islands. They therefore have instructed me to report the bill back to the Senate and recommend its passage.

Mr. Hyde introduced a bill to authorize the Southern Pacific Railroad Company to connect with other roads. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Britton introduced a bill to appropriate money for the transportation of arms &c. Read 1st time.

Mr. Paschal offered the following resolution :

Resolved, That so much of the Governors message as relates to the state of the Treasury, be referred to the committee on Finance.

That portion of the message relating to the Land Office, be referred to the committee on the Land Office.

That portion relating to Education and Common Schools, be referred to the committee on Education.

That portion relating to the Public Lands, to the committee on Public Lands.

That portion relating to Revenue and Finance, to the committee on Finance.

That portion relating to a Geological and boundary survey, to the committee on State Affairs.

The part relating to the meeting of the Legislature to a committee of the Whole.

The part relating to Public Printing, to the committee on Public Printing.

That portion relating to the Penitentiary, to the committee on State Affairs.

That portion relating to the Federal Government, to the committee of the Whole. Adopted.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill to legalize the marriage of C. B. and E. Wood. And a bill to amend the first, third and thirteenth sections of an act to incorporate the Texas Life, Fire and Marine Insurance Company, of the city of Galveston State of Texas, reported the bills back to the Senate and recommend their passage.

Mr. Quinan, chairman of the committee on Education, to whom was referred the bill to incorporate Clifton Academy, in the county of Bosque, reported the same to the Senate and recommended its passage.

ORDERS OF THE DAY.

A bill incorporating Alamo College, on report of the committee on Education, was on motion of Mr. Paschal, taken up.

Mr. Paschal moved to fill the blank in section 6, with the words "ninety-nine." Lost.

Mr. Paschal then moved to fill the blank with the words "seventy-five," which was lost by the following vote :

YEAS—Messrs. Blanch, Britton, Guinn, Herbert, Lott, Martin, Paschal, Pitts, Rainey, Scarborough, Schleicher, Shepard and Townes—13.

NAYS—Messrs. Chambers, Dickinson, Fall, Gentry, Grimes, Harman, Hart, Parsons, Potter, Quinan, Rains, Sims, Stockdale, Throckmorton and Whaley—15.

Mr. Guinn then moved to fill the blank with "fifty." Carried, and bill ordered to be engrossed.

On motion of Mr. Stockdale, the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Herbert, Lott, Martin, Parsons, Paschal, Pitts, Potter, Rainey, Scarborough, Schleicher, Sims, Throckmorton, Townes, Walker and Whaley—23.

NAYS—Messrs. Harman, Hart and Rains—3.

On motion of Mr. Paschal, a bill incorporating the San Antonio Female College, on the report of the committee on Education was taken up.

Mr. Schleicher moved to fill the blank in section 6, with the word "fifty." Carried.

On motion of Mr. Guinn, the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Fall, Gentry, Grimes, Guinn, Herbert, Lott, Martin, Parsons, Paschal, Pitts,

Potter, Ruiney, Scarborough, Schleicher, Sims, Stockdale, Townes, Walker and Whaley—24.

NAYS—Messrs. Harman, Hart and Rains—3.

A bill making an appropriation for the protection of the frontier.

Mr. Stockdale offered an amendment to come in as section 2:

That in case the Governor shall find that there is not money enough in the Treasury to meet the foregoing appropriation fully as the same may be needed from time to time, or that the amount of said appropriation is not sufficient to carry out the provisions of the act for the protection of the frontier, then in either event he shall cause, only such payments, to be made in cash, as cannot be contracted for otherwise ; and whenever payments are to be made on contracts or for services under said act which are not necessary cash demands, such payments shall be made *pro rata*. It is provided however, that the indebtedness created under this section, shall at no time exceed the sum of two hundred thousand dollars. The Comptroller of Public Accounts, shall under the special direction of the Governor, audit and adjust all claims and accounts created under the provisions of this section, and certify such adjustment to the party interested ; and such accounts shall be paid as may hereafter be provided by law. Adopted

The bill was then ordered to be engrossed.

Rule suspended, bill read 3rd time and passed.

The following bills on the report of the committee on Private Land Claims, were on motion of Mr. Potter, taken up.

A bill for the relief of E. B. Little.

A bill for the relief of Mrs. E. M. Gibbs, which were severally read 2nd time and ordered to be engrossed.

Rule suspended, bills read 3rd time and severally passed.

A bill making an appropriation to defray the expense of selling the University lands, was on motion of Mr. Erath, taken up, read 2nd time and ordered to be engrossed, rule suspended, read 3rd time and passed.

A bill to amend an act to incorporate Bastrop Academy, ordered to be engrossed, rule suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Britton, Chambers, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons, Pitts, Potter, Quinan, Rains, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker, Wallace and Whaley—29.

NAYS—none.

A message was received from the House, that the House had passed a bill to incorporate the Texas and Mexican Railway Company.

A bill to repeal the 17th section of an act to regulate Railroad Companies, approved February 7th, 1859, passed to a 3rd reading. Rule suspended, read 3rd time and passed.

A bill to define the homestead in a town or city. Laid on the table.

On motion of Mr. Pitts, a bill for the relief of Andrew J. Ford was taken up and ordered to be engrossed. Rule suspended, bill read 3rd time and passed.

A bill supplementary to an act to permit the county of Brazoria to levy a special tax for the purpose of Internal Improvement, passed September 1st, 1856, was on motion of Mr. Quizaan, taken up and ordered to be engrossed. Rule suspended, bill read 3rd time and passed.

A bill to incorporate the Houston Gas Company, ordered to be engrossed. Rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Potter, Rains, Scarborough, Sims, Stockdale, Throckmorton, Townes, Walker, Wallace and Whaley—26.

NAYS—none.

On motion of Mr. Herbert, the motion which referred the bill to incorporate the Navarro County Agricultural Society this morning to the committee on Agriculture, was reconsidered.

The bill was read 2nd time, the rule having been suspended.

Mr. Hart moved to strike out the 7th section. Carried.

The bill was then ordered to be engrossed. Rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Potter, Quinan, Rains, Scarborough, Schleicher, Sims, Throckmorton, Townes, Walker and Whaley—25.

NAYS - none.

A bill for the relief of the heirs of Joseph C. Gentry, deceased, ordered to be engrossed. Rule suspended, read 3rd time and passed.

A bill to authorize and require the clerk of the district court of Titus county, to apportion the causes on the docket of said court.

Mr. Townes moved to amend by extending the provisions of the bill to Travis and San Augustine counties. Carried.

The bill was then ordered to be engrossed. Rule suspended, bill read 3rd time and passed.

On motion of Mr. Parsons, the bill to apportion the State into Senatorial and Representative districts was made the special order for Monday, the 23rd inst.

A bill relinquishing the title of the State to certain lands therein named to Wm. M. Love, ordered to be engrossed. Rule suspended, bill read 3rd time and passed.

A bill to incorporate the German English School of San Antonio. Read 1st and 2nd times and referred to committee on Education.

A bill for the relief of William Drake. Read 1st and 2nd times and referred to the committee on Finance.

A bill for the relief of William J. Kyle, assignee of Jerome B. Robertson. Read 1st and 2nd times and referred to the committee on Court of Claims.

A bill to incorporate the Texas and Mexican Railway Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to authorize Adam Sullivan to construct a bridge across the Sabine River. Read 1st and 2nd times and referred to the committee on Roads, Bridges and Ferries.

The following bills were read 1st and 2nd times and referred to the committee on the Judiciary :

Bill to relieve Thomas D. Rusk, of Nacogdoches county, and John W. Hanna of Lavaca county from the disability of minority.

Bill for the relief of John Hearn.

Bill to authorize the Corporation of Laredo to dispose of certain lands.

Bill to establish the time of holding the courts in the 12th judicial district.

Bill to relieve Crittenden C. Wells and others from the disabilities of minority.

Bill to authorize the county court of Shelby county, to regulate the pay of sheriffs therein, in certain cases.

The following bills were read 1st and 2nd times and referred to the committee on Private Land Claims:

Bill for the relief of Richard A. Williams.

Bill for the relief of Charles D. Ferries.

Bill for the relief of Bluford Garrett.

Bill for the relief of the heirs of Addison Litton.

Bill for the relief of the heirs of William McDowell.

Bill for the relief of Alexander Wheeler.

Bill donating one league of land each to Dennis Mead, Richard Mead and — Eastland.

Mr. Parsons moved to adjourn until Monday morning, 10 o'clock, upon which the yeas and nays stood thus :

YEAS—Messrs. Dickinson, Fall, Herbert, Hyde, Parsons, Paschal, Rains, Rainey, Scarborough, Sims, Townes, Wallace and Whaley—13.

NAYS—Messrs. Chambers, Erath, Gentry, Grimes, Guinn, Harman, Hart, Martin, Potter, Quinan, Schleicher, Throckmorton and Walker—13.

The President voted nay.

On motion of Mr. Rainey, the Senate adjourned until $\frac{1}{2}$ past 9 o'clock, Monday morning.

MONDAY, January 23rd, 1860.

Senate met pursuant to adjournment. Prayer by the Rev. Mr. Kinney—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Potter, chairman of the Judiciary committee, made the following report :

The Judiciary committee have considered the proposition submitted on the bill to create the county of Marion, as to whether under the constitution the Legislature has the power to create a new county a less area of territory, than nine hundred square miles, and a majority of the committee direct me to report that under the provisions of the 34th section of the 7th article of the constitution, new counties may be created "by consent of two thirds of the Legislature."

The Judiciary committee have considered the petition of Jas. Thomas Eldridge, who prays to be released from the disabilities of minority, and a majority of the committee direct me to return the petition to the Senate with the recommendation that the prayer of the petition be not granted. In this, as in other like applications the committee are of the opinion that the proposed legislation is unnecessary, impolitic and unwise.

Mr. Rainey, chairman of the committee on Agriculture, made the following report :

The committee on Agriculture, to whom was referred a bill to incorporate the Washington County Cotton and Woollen Manufacturing Company, have considered the same and regard the enterprize proposed as one of unusual importance, and one that should meet with the unhesitating approval of the Legisla-